

INDIAN AFFAIRS MANUAL

Part 18
Chapter 1

Regulatory Affairs and Collaborative Action
Overview and Responsibilities

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- 1.1 Purpose.** This chapter establishes the basic policy, authorities, and responsibilities for the Indian Affairs' (IA) Office of Regulatory Affairs and Collaborative Action (RACA). The Office of RACA ensures IA's compliance with requirements and standards related to regulatory and policy operations.
- 1.2 Scope.** Compliance with Federal and Departmental requirements for regulatory processes, information collections, alternative dispute resolution, negotiated rulemaking, and directives management applies to all programs under the authority of the Assistant Secretary-Indian Affairs (AS-IA), including the offices under the AS-IA, the Bureau of Indian Affairs (BIA), and the Bureau of Indian Education (BIE).
- 1.3 Policy.** It is the policy of IA to:
- A.** Comply with all applicable Federal laws and regulations and Departmental policies and procedures governing the regulatory process; alternative dispute resolution/collaborative action; and directives management.
 - B.** Ensure that IA resources are available, including designated Federal contacts, to facilitate compliance.
 - C.** Foster participation and collaboration amongst and within IA bureaus, offices, tribal partners, Department counterparts, and other stakeholders, to develop meaningful and effective regulations and regulatory revisions.
 - D.** Facilitate a constructive conflict management and problem-solving workplace environment through the use of alternative dispute resolution techniques and resources.
 - E.** Develop and maintain a strong operational and internal control foundation that facilitates compliance through effective regulations, policies, procedures, handbooks, memoranda, manuals, and other means.
- 1.4 Authority.**
- A.** The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. § 301 and § 463 and § 465, and 25 U.S.C. §2 and §9, and are redelegated to the AS-IA in 209 DM 8.
 - B.** Administrative Procedure Act (5 U.S.C.551 et seq.)
 - C.** Paperwork Reduction Act of 1995 (PRA) as amended (44 U.S.C. 3501 et seq.)

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- D. Federal Records Act (44 U.S.C. 3101)
- E. Regulatory Flexibility Act (5 U.S.C. 601 et seq.)
- F. 31 U.S.C. Sec. 1111 and 44 U.S.C. Chs. 21, 25, 27, 29, 31, 35
- G. 5 CFR 1320, Controlling Paperwork Burdens on the Public
- H. 43 CFR 14 regarding public information and rulemaking
- I. Provisions of the Federal Information Resources Management regulations (41 CFR 201) and Departmental Manual (DM) 381 require that IA provide proper documentation of its organization, functions, policies, and procedures.
- J. Section 508 of the Rehabilitation Act, 29 U.S.C. §794d. 1998
- K. Administrative Dispute Resolution Act of 1996, 5 U.S.C. §§ 571-584
- L. Negotiated Rulemaking Act (5 U.S.C. 561 et seq.)
- M. Executive Order 13175, Consultation and Coordination With Indian Tribal Governments
- N. Federal Advisory Committee Act, 5 U.S.C. Appendix 2

Guidance

- A. Executive Order 12866, Regulatory Planning and Review, 1993
- B. Executive Order 13563, Improving Regulation and Regulatory Review, 2011
- C. Office of Management and Budget (OMB) Bulletin on Good Guidance Practices, 2007
- D. OMB Memorandum, Information Collection under the Paperwork Reduction Act, April 7, 2010

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- E. 381 Departmental Manual (DM) 11-13, Origination of Records and Information
- F. Federal Register Document Drafting Handbook

Departmental Manuals

- A. 318 DM - Federal Register Documents
- B. 381 DM - Origination of Records and Information
- C. 370 DM 770 - Conflict Resolution Program

1.5 Functions of the Office.

RACA, formerly known as the Office of Regulatory Management (ORM), is responsible for a broad range of regulatory functions that involve collaboration with all IA bureaus, offices, tribal partners and other stakeholders, including: facilitating IA's compliance with the Administrative Procedure Act, Privacy Act, and Paperwork Reduction Act; developing and revising regulations to address statutory requirements and IA program issues; serving as the Department's regulatory contact for IA; managing the Federal Register notice process for IA; and providing guidance and assistance to facilitate the development, updating, and implementation of consistent IA policies, procedures, and handbooks. RACA also provides oversight, assistance, and implementation of the Department's CORE PLUS dispute resolution program within IA.

1.6 Responsibilities.

- A. Assistant Secretary-Indian Affairs is responsible for ensuring that IA—this includes the offices under the AS-IA, BIA and BIE—establishes appropriate organizational arrangements and procedures, with adequate staffing and resources, to implement compliance with Federal and Departmental regulations, requirements, policies, and procedures.
- B. Deputy Assistant Secretaries; Director, BIA; and Director, BIE are responsible for ensuring IA processes and resources are in place to facilitate cooperation and responsiveness to regulatory development; ensuring policy and procedures for functions within their authority are accurate and up-to-date; and

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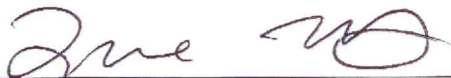
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fostering an environment of collaborative solutions to workplace issues/concerns at the earliest opportunity. This includes communicating with and managing Regional Director participation in regulatory response/development as needed, and ensuring policy is carried out as documented.

C. **Director, RACA** is responsible for providing leadership and management of IA's compliance with regulations, requirements and standards related to regulatory and policy operations, including:

- 1) Coordination and management of Federal Register requirements for IA.
- 2) Coordination and management of Paperwork Reduction Act compliance and Information Collection requirements for IA.
- 3) Development, coordination, and management of the IA Directives System, which includes guidance and assistance to programs on establishing IA policies, manuals, official memoranda, and handbooks.
- 4) Development and implementation of the Department's Collaborative Action and Dispute Resolution program by establishing policy, implementation guidance, and standard operating procedures for the management of the program.

Approval



Lawrence S. Roberts
Principal Deputy Assistant Secretary – Indian Affairs

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Date

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